

## Message Text

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TO AMEMBASSY QUITO IMMEDIATE  
INFO AMCONSUL GUAYAQUIL PRIORITY  
AMEMBASSY MEXICO PRIORITY

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EXDIS

E.O. 11652: GDS

TAGS: PLOS, EFIS, PFOR, EC

SUBJECT: ECUADOR AND HIGHLY MIGRATORY SPECIES

1. SUMMARY: THIS MESSAGE SETS FORTH DEPT'S PRELIMINARY VIEWS CONCERNING REFTELS, AND CONTAINS DEPT'S ANALYSIS AND PROPOSED NEXT STEPS REGARDING ECUADOR AND UPCOMING TUNA SEASON AS WELL AS NEGOTIATION OF SATISFACTORY REGIME FOR HIGHLY MIGRATORY SPECIES WHICH WOULD INCLUDE ECUADORIAN PARTICIPATION. END SUMMARY.

2. AS PERTAINS TO LOS NEGOTIATIONS, DEPT HAS REVIEWED CAREFULLY THOUGHTFUL ANALYSIS CONTAINED REFTEL A. AS OUTLINED IN REPORTING CABLES FROM LOS DELEGATION, ECUADORIANS WENT TO SOME CONSIDERABLE PAINS TO SOLICIT SUPPORT WITHIN LOS CONFERENCE FOR THEIR INTERVENTION REGARDING

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ARTICLE 53 OF LOS TEXT. SOME 30 COUNTRIES SPOKE IN FAVOR

OF ECUADOR'S PROPOSAL, MANY OF WHOM HAVE NO SUBSTANTIVE INTEREST IN TUNAFISH. DELEGATION'S ASSESSMENT WAS THAT ECUADORIANS WERE ABLE TO USE RELATED ISSUE OF HIGH SEAS STATUS FOR ECONOMIC ZONE TO ELICIT SOME OF THE SUPPORT FOR THEIR PROPOSALS. THIS ASSESSMENT, COUPLED WITH SUBSTANTIVE DESIRE TO RETAIN ARTICLE 53 IN ITS PRESENT FORM, DICTATED THAT WE ALLOW DEBATE TO DIE A NATURAL DEATH ON THE FLOOR OF THE COMMITTEE AND FURTHER THAT WE NOT ENGAGE

IN ANOTHER ROUND OF INFORMAL NEGOTIATIONS CONCERNING THE SUBSTANCE OF THIS ISSUE. DURING PRIVATE DISCUSSIONS WITH ECUADORIANS, LOS DEL ASKED ECUADORIAN REP VALENCIA TO DETERMINE WHETHER OTHER INTERESTED STATES WOULD BE WILLING TO ACCEPT THE PAPER WORKED OUT BY THE ECUADORIANS AND THE US PRIOR TO THE NEW YORK SESSION AS A BASIS FOR SMALL NEGOTIATING GROUP. WE INDICATED THAT IF THIS WERE THE CASE, US WOULD CONSIDER RENEWAL OF DISCUSSIONS. ECUADORIANS UNDERSTANDABLY DID NOT RESPOND.

3. PRIVATE CONSULTATIONS WITH INDUSTRY, AND OUR OWN ANALYSIS OF THE EXISTING RSNT ARTICLE, LEAD US TO BELIEVE THAT IT IS ABOUT AS GOOD AS WE WILL EVER DO IN THE LOS SETTING. IN DEPT'S VIEW, FURTHER NEGOTIATION OF ARTICLE 53 IS UNLIKELY TO IMPROVE IT AND WOULD LIKELY MAKE IT WORSE FROM OUR POINT OF VIEW. FOR THIS REASON, WE ARE NOT ENCOURAGING ANOTHER SESSION OF THE REGIONAL NEGOTIATING GROUP PRIOR TO THE UPCOMING SPRING LOS SESSION.

4. DEPT AGREES FULLY WITH EMBASSY'S ANALYSIS OF SITUATION VIS-A-VIS ECUADOR. IT SHARES CONCERN EXPRESSED IN REFTELS THAT ABSENT SOME POSITIVE MOVES BY US TOWARD FURTHER ACCOMMODATION ON THE TUNA ISSUE WE RUN THE RISK OF RENEWED SEIZURES IN THE COMING YEAR WITH ALL THE ATTENDANT PROBLEMS THAT WOULD BRING. WE ALSO SHARE EMBASSY'S ASSESSMENT THAT IT IS IN OUR CONTINUING INTEREST TO ATTEMPT TO WORK OUT THIS LONG-STANDING PROBLEM WITH ECUADORIANS THROUGH NEGOTIATIONS AND THAT WE MUST AVOID AN APPEARANCE OF INDIFFERENCE ON OUR PART. SPE-

CIFICALLY, DEPT WILL UNDERTAKE TO REISSUE OR REAFFIRM  
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LETTER FORMALLY STATING USG NEUTRAL POSITION ON ISSUE OF PURCHASE OF LICENSES AND WILL COORDINATE SIMULTANEOUS RELEASE IN WASHINGTON AND QUITO. DEPT WILL ALSO DISCUSS WITH AMB. BLOOMFIELD POSSIBILITY OF BRIEFING US FISHERMEN ON USE OF RADIO LICENSE PROCEDURE.

5. DEPT BELIEVES OUR OVERALL STRATEGY WITH ECUADOR MUST AT THIS POINT IN TIME BE ORCHESTRATED WITH OUR

ATTEMPTS TO REPLACE THE IATTC WITH SOME REPRESENTATIVE AND Viable ORGANIZATION. THE ANNUAL MEETING OF IATTC WILL BE HELD IN MANAGUA ON OCTOBER 10. THERE IS POSSIBILITY THAT AT THAT MEETING, MEXICO WILL GIVE NOTICE OF ITS INTENTION TO DENOUNCE THE CONVENTION IN ACCORDANCE WITH ARTICLE 5, PARA 4, OF THE TREATY. WE BELIEVE, ALTHOUGH WE HAVE HAD NO INDICATION FROM THE MEXICANS, THAT THEY WILL AGAIN ANNOUNCE THEIR INTENTION TO CONVENE A MEETING OF PLENIPOTENTIARIES IN MEXICO CITY TO NEGOTIATE A NEW REGIONAL ORGANIZATION. WE WOULD ALSO EXPECT

THAT THE MANAGUA MEETING WOULD DECIDE ON CONSERVATION ARRANGEMENTS FOR THE COMING YEAR, ALTHOUGH BASED ON THE EXAMPLE OF THE LAST FEW YEARS A SUBSEQUENT MEETING MAY BE NECESSARY.

6. THE US IS HOPEFUL THAT NEW REGIONAL TUNA ARRANGEMENTS CAN BE SUCCESSFULLY NEGOTIATED IN THE COMING YEAR. OUR PRIME OBJECTIVES IN THAT NEGOTIATION WOULD BE:

- A. TO CONCLUDE A TREATY WHICH SUBSTANTIVELY PROTECTS US TUNA FISHING INTERESTS AND AT THE SAME TIME PROVIDES FOR RATIONAL CONSERVATION AND MANAGEMENT OF THE RESOURCE;
- B. TO CONCLUDE A TREATY WHICH WOULD INCLUDE THOSE STATES OF THE REGION PRESENTLY NOT MEMBERS OF THE IATTC, INCLUDING ECUADOR, AND;
- C. TO ENSURE THAT THE TREATY PROVIDES A WORKABLE REGIME WHICH WOULD FORM THE BASIS FOR RESOLVING MANY OF THE LONG-STANDING JURISDICTIONAL DISPUTES WITH THE LATINS ARISING FROM THIS ISSUE.

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7. TO ACHIEVE THEOBJECTIVES PARA 6 ABOVE, WE WILL HAVE TO BEGIN SHORTLY AFTER THE MANAGUA MEETING TO LAY THE GROUNDWORK. OUR OWN VIEW WOULD BE THAT SUBSTANTIVELY WE SHOULD FOLLOW-UP ON THE PREVIOUS ARTICLE 53 NEGOTIATIONS HELD AMONG THE STATES OF THE REGION. GIVEN THE DETAILED NATURE OF THE RESULTING ARTICLES (BOTH THE ECUADORIAN AND MEXICAN VERSIONS) WE WOULD HOPE THEY COULD BE USED AS THE BASIS FOR THE REGIONAL NEGOTIATION.

8. IN THE CASE OF ECUADOR, WE WOULD LIKE TO BEGIN CONSULTATIONS TOWARD THIS END SHORTLY AFTER THE MANAGUA MEETING AND TO USE THESE CONSULTATIONS NOT ONLY TO ENCOURAGE ECUADORIAN PARTICIPATION IN THE MEXICO CITY MEETING, BUT ALSO TO HEAD OFF POTENTIAL SEIZURES IN THE COMING YEAR. WE WOULD NOT, HOWEVER, WANT TO MIX SUBSTAN-

TIVELY SEIZURE/IATTC ISSUES WITH LOS NEGOTIATIONS. IN THE PAST, ECUADORIANS HAVE BEEN RELUCTANT TO ENGAGE IN CONSULTATIONS UNLESS THEY COULD DO SO UNDER AN LOS THEME. WE UNDERSTAND THEIR SENSITIVITIES AND WOULD CERTAINLY BE WILLING TO DO EVERYTHING POSSIBLE TO MEET THEM, ALTHOUGH AS STATED EARLIER OUR PRIMARY OBJECTIVE WITH REGARD TO ARTICLE 53 IS TO RETAIN IT IN ITS PRESENT FORM.

9. DEPT WOULD BE INTERESTED IN EMBASSY'S VIEWS AS TO HOW BEST PROCEED TO ACCOMPLISH OUR OBJECTIVES, SPECIFICALLY AS RELATES TO TIMING AND POSSIBLE LINKAGE OF ISSUES RELATING TO SEIZURES AND FUTURE REGIONAL ARRANGEMENTS, AS WELL AS THE FEASIBILITY OF ATTEMPTING DISCUSSIONS WITH GOE OUTSIDE AN LOS CONTEXT, LOOKING TO REGIONAL ARRANGEMENTS TO RESOLVE ISSUES. DEPENDING ON EMBASSY RESPONSE, DEPT COULD ENGAGE IN CONSULTATIONS WITH THE ECUADORIANS SOME TIME IN THE LATTER HALF OF NOVEMBER OR EARLY PART OF DECEMBER.

10. DEPT OFFICIALS LOOK FORWARD TO DISCUSSING THESE ISSUES WITH AMB. BLOOMFIELD OCT 4-8. ROBINSON

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